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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,506	12/14/2001	Masayuki Murakami	Q66577	3596

7590 08/25/2005

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EXAMINER

LAVIN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,506

Applicant(s)

MURAKAMI, MASAYUKI

Examiner

Christopher L. Lavin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1 – 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo (6,075,877) in view of Hiyama (6,269,379).

Please see the previous office action for the reasons of rejection of claims 1 – 12.

In regards to claim 13, The image data handling method of claim 1, wherein the combination information identifies, in the low-energy image data set and the high-energy data set, image data sets used to generate the energy subtraction data set (Hiyama: Figure 2; col. 6, line 66 – col. 7, line 16: As previously stated a relationship between the low, high and subtraction data set is established. Based on Figure 2 this relationship would involve having the same examination ID (each group comprising of high low and subtraction data sets), item 71, and then region and position codes, items 76 and 77, would identify the images as high, low, or subtraction. This combination data would identify the image data sets used to generate the energy subtraction image. As the combination data in each high and low energy data set will identify which group it belongs to, then by looking into the group the image data sets used for generating the subtraction image can be identified using the region and position codes. As it is already known that a high and a low energy data set are required to perform the subtraction. So by identifying the group the combination data is identifying the image data sets used to create the subtraction image.).

In regards to claim 14, The image data handling method of claim 2, wherein the combination information identifies, in the energy subtraction image data set, image data

sets used to generate the energy subtraction image data set (The same logic applied to claim 13 applies to this claim as well.).

In regards to claim 15, The image data handling method of claim 1, wherein the combination information identifies, in the low-energy image data set and the high-energy data set, image data sets used to generate the energy subtraction data set (The same logic applied to claim 13 applies to this claim as well.).

In regards to claim 16, The image data handling method of claim 2, wherein the combination information identifies, in the energy subtraction image data set, image data sets used to generate the energy subtraction image data set (The same logic applied to claim 13 applies to this claim as well.).

In regards to claims 19 and 20, the applicant should be made aware that simply claiming an automatic version of a manual task does not make something patentable as shown in re VENNER AND BOWSER, 120 USPQ 192 (CCPA 1958) where it was shown that automating a manual task was not patentable.

Hiyama teaches (col. 5, lines 44 – 47) that a user enters at least some of the combination information in manually.

2. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeo in view of Hiyama as applied to claims 1 and 4 respectively above, and further in view of Cabrera (6,029,160).

In regards to claims 17 and 18, wherein the combination information comprises a first record for the low-energy image data set, a second record for the high-energy image data set and a third record for the energy subtraction image data set (Each

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image is given its own record), and where each record comprises a data set identification number uniquely identifying the respective image data sets (Hiyama: Figure 2, item 72), a common source identifier that identifies the respective image data set as belonging to a common group (Hiyama: figure 2, item 71), a file type identifier indicating that the respective image data set is a low-energy image data set, a high energy image data set, a soft-tissue image data set, or a bone image data set (Hiyama: Figure 2, items 76 and 77: The region and position codes are used to identify the image. Thus labeling the image as high, low, or a resulting image would be required.), and an image filename indicating the location on a storage device for each respective data set (Hiyama: Figure 2; col. 6, line 66 – col. 7, line 16: The file structure Hiyama discloses for images has to have some kind of means of identification, i.e., a file name. Hiyama does not specifically state that a file name is stored, although this is bordering on inherency a secondary teaching will be provided to show that media files can be used using file names.).

Cabrera discloses that a file name can be used to identify a media file, that file name is used to indicate the location on a storage device of that media file.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use file names (as taught by Cabrera) in the apparatus disclosed by Takeo (as modified by Hiyama). File names allow for easy location of images in a file structure. Thus by using file names Takeo will be able to better organize the image files.

Response to Arguments

3. Applicant's arguments filed 06/15/05 have been fully considered but they are not persuasive.

4. Applicant's primary argument in the remarks is that the examiner inaccurately claimed that links between files was inherent.

If the examiner had been claiming inherency the rejection would have been presented as a 102. However, the examiner was not claiming the concept was inherent, in fact the examiner pointed out that Takeo was silent on the concept and provided a 103 reference to provide a teaching of providing links between image files. Although ineloquently done the examiner was trying to establish that there must be some kind of relationship between the files. As the applicant has pointed out that relationship, as Takeo is silent on the issue, could be provided by an operator or a global data set. This is why the examiner rejected the claims under 103. The examiner provided motivation to provide these links "By linking the files together and storing attribute information about the files the method disclosed by Takeo will be able to handle multiple groupings of files and store the results, along with the associated data."

To reiterate Hiyama teaches (figure 2) that an image data set can be created that groups images together and identifies the image contents; combined with the subtraction of high and low energy images this is the basic concept the applicant is trying to claim.

5. The second argument in the remarks is that the examiner was incorrect in stating the links "go both ways".

Although poorly written the examiner is correct in asserting that by linking the initial images to the subtraction image, the subtraction image is also linked to the initial images. Thus the link goes both ways. The link as shown in other parts of this action is the group identification code. By establishing this link the remaining images in the group are quickly indefinable and thus link to each other.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Lavin whose telephone number is 571-272-7392. The examiner can normally be reached on M - F (8:30 - 5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancuso Joseph can be reached on (571) 272-7695. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Lavin



BRIAN WERNER
PRIMARY EXAMINER